IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Fisher *et al.*		
Serial No.	:	09/937,165	Authorized Officer:	Chen, Shin Lin
Filed	:	July 26, 2002	Group Art Unit:	1632
For	:	IMPROVED EXPRESSION VECTOR FOR CONSISTENT CELLULAR EXPRESSION OF THE TET-ON REPRESSOR IN MULTIPLE CELL TYPES		

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450, on:

July 22, 2005
Date of Deposit

Van Nguyen
Attorney Name

56,571
PTO Reg. No.

Signature

July 22, 2005
Date of Signature

Commissioner of Patents and Trademarks
Alexandria, VA 22313-1450

Sir:

In supplement to the Information Disclosure Statement filed on August 26, 2002, and an additional Information Disclosure Statement comprising a Form PTO-1449 citing seven references A-G and a bound volume containing the seven cited references filed February 14, 2005 in response to the Official Action dated September 13, 2004, and pursuant to the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicants respectfully request

United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

Applicants enclose a fee of $ 180.00 for submission of an Information Disclosure Statement under 37 C.F.R. §1.17(p). If any additional fee is due or overpayment made, the Commissioner is authorized to charge any such fee, and to credit any overpayment, to our Deposit Account No. 02-4377. Two copies of this communication are enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.

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Enclosures

that the publications relating to the above-mentioned application listed herein and on the accompanying PTO Form 1449 be made of record in the U.S. Patent and Trademark Office. The publications contained herein are identified as numbers 47 to 56, to distinguish them from the 46 publications and references A-G, previously disclosed in the above-identified application.

47. Beckton Dickinson Biosciences eCatalog, 2003, Tet-On ™ and Tet-Off™ Gene Expression Systems

48. U.S. Patent Application Publication US2001/0049120, by Fisher *et al.*, published December 6, 2001, corresponding to U.S. Patent Application Ser. No. 09/268,303, filed on March 15, 1999, and entitled "EXPRESSION VECTOR FOR CONSISTENT CELLULAR EXPRESSION OF THE TET ON REPRESSOR IN MULTIPLE CELL TYPES."

49. Akagi Ket al. (2001) A novel tetracycline-dependent transactivator with E2F4 transcriptional activation domain. Nucleic Acids Res 29(4):E23.

50. International Patent Application Publication No. WO 00/28062, by Aventis Pharma S.A. published May 18, 2000. Application No. PCT/FR99/02752 filed November 9, 1999 and entitled "NOVEL SYSTEM FOR REGULATING TRANSGENE EXPRESSION."

51. International Patent Application WO00/55310, by the Trustees of Columbia University in the City of New York, published 21 September 2000, corresponding to International Patent Application Serial No. PCT/US00/06862, filed on 15

March 2000, and entitled "IMPROVED EXPRESSION VECTOR FOR CONSISTENT CELLULAR EXPRESSION OF THE TET ON REPRESSOR IN MULTIPLE CELL TYPES."

52. Strathdee et al., (1999) Efficient control of tetracycline-responsive gene expression from an autoregulated bi-directional expression vector. Gene. 229(1-2):21-9.

53. Rose et al (1997) Integration of tetracycline regulation into a cell-specific transcriptional enhancer J Biol Chem 8(21): 4735-4739.

54. U.S. Patent No. 5,654,168, by Bujard *et al.*, issued August 5, 1997, corresponding to U.S. Patent Application Ser. No. 08/275,876, filed 07/15/94, and entitled "TETRACYCLINE-INDUCIBLE TRANSCRIPTIONAL ACTIVATOR AND TETRACYCLINE-REGULATED TRANSCRIPTION UNITS."

55. Qin et al (1997) Promoter attenuation in gene therapy: interferon-gamma and tumor necrosis factor-alpha inhibit transgene expression Human Gene Therapy 8: 2019-2029.

56. Goldman LA, Cutrone EC, Kotenko SV, Krause CD, Langer JA. Modifications of vectors pEF-BOS, pcDNA1 and pcDNA3 result in improved convenience and expression. BioTechniques 1996;21:1013-1015.

The instant application, U.S. Patent Appl. Ser. No. 09/937,165, filed 09/21/01, is a U.S. national stage filing of International Patent Application Ser. No. PCT/US00/06862, filed March 15, 2000, (Publication 51 above), which is related to U.S.

Patent Appl. Ser. No. 09/268,303, filed 3/15/99 and published as U.S. Patent Publication No. 2001/0049120, a copy of which is also enclosed (Publication 48 above).

Copies of U.S. Patent No. 5,654,168, by Bujard *et al.*, issued August 5, 1997, and the manuscript of Goldman *et al.*, published in volume 21 of BioTechniques, both of which were cited in the International Search Report for International Patent Appl. Ser. No. PCT/US01/31811, are also enclosed (Publications 54 and 56 above, respectively). Please note that the International Search Report incorrectly identified the author of this latter publication as "Golfman" rather than "Goldman." The other documents cited in this search report were contained in the Information Disclosure Statement filed on August 26, 2002. Publication 50 above is an International Patent Application No. PCT/FR99/02752 filed and published in the French language with an English language abstract. A copy of the abstract is provided with this Information Disclosure Statement. This publication was cited in International Search Report of Patent Appl. Ser. No. PCT/US01/31811 as an "A" category document "defining the general art and not of particular relevance". Therefore, the Applicants will provide an English translation of this reference only if the Examiner deems such translation necessary.

The submission of this Supplemental Information Disclosure Statement does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under

Form PTO-1449 U.S. Department of Commerce (REV. 2-82) Patent and Trademark Office	Atty. Docket No. A34585-A PCT-USA (070050.1739)	Serial No. 09/937,165
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)	Applicant(s): Fisher *et al.*	
	Filed: July 26, 2002	Group Art Unit 1632

U.S. PATENT DOCUMENTS

*Exam. Init.		Document No.	Date	Name	Class	Subclass	Filing Date if Appropriate
	48.	2 0 0 1 0 0 4 9 1 2 0	12/6/01	Fisher et al.			
	54.	5 6 5 4 1 6 8	8/5/97	Bujard et al.			

FOREIGN PATENT DOCUMENT

		Document No.	Date	Country	Class	SubClass	Translator Yes No
	50.	0 0 2 8 0 6 2	5/18,00	WO			
	51.	0 0 5 5 3 1 0	9/21/00	WO			

OTHER DOCUMENTS (including Author, Title Date, Pertinent Pages, Etc.)

	47.	Beckton Dickinson Biosciences eCatalog, 2003, Tet-On ™ and Tet-Off™ Gene Expression System
	49.	Akagi Ket al. (2001) A novel tetracycline-dependent transactivator with E2F4 transcriptiona activation domain. Nucleic Acids Res 29(4):E23.
	52.	Strathdee et al., (1999) Efficient control of tetracycline-responsive gene expression from an autoregulated bi-directional expression vector. Gene. 229(1-2):21-9.
	53.	Rose et al (1997) Integration of tetracycline regulation into a cell-specific transcriptional enhancer J Biol Chem 8(21): 4735-4739.
	55.	Qin et al (1997) Promoter attenuation in gene therapy: interferon-gamma and tumor necrosis factor-alpha inhibit transgene expression Human Gene Therapy 8: 2019-2029.
	56.	Goldman LA, Cutrone EC, Kotenko SV, Krause CD, Langer JA. Modifications of vectors pEF-BOS, pcDNA1 and pcDNA3 result in improved convenience and expression. BioTechniques 1996;21:1013-1015.

NY02:525076.1

Examiner Date Considered

* Examiner: Initial citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicant.